IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of Atty. Docket

JISKA MARGRIET DE WIT ET AL. PHNL 021085

Serial No.: 10/531,930 Group Art Unit: 2618

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SYSTEM FOR SHARING HUMAN PERCEPTUAL SIGNALS

Commissioner for Patents
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Sir:

APPEAL BRIEF

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(i) Real Party in Interest

The real party in interest in this application is KONINKLIJKE PHILIPS ELECTRONICS N.V. by virtue of an assignment from the inventors recorded on April 19, 2005, at Reel 017174, Frame 0498.

(ii) Related Appeals and Interferences

There are no other appeals and/or interferences related to this application.

(iii) Status of Claims

Claims 1-11 and 13-22 stand finally rejected by the Examiner. Claim 12 has been cancelled. Appellants hereby appeal the rejection of claims 1-11 and 13-22.

(iv) Status of Amendments

There was one Response filed on April 18, 2008, after final rejection of the claims on February 22, 2008, this Response having been considered by the Examiner.

(v) Summary Of Claimed Subject Matter

The subject invention relates to consumer electronics devices and the ability to retrieve a digital content from a second consumer electronics device and reproduce retrieved digital content.

To that end, the subject invention, as claimed in claim 1, includes "an output means able to generate a human perceptual signal". This is shown in Fig. 1, and described in the specification on page 6, lines 11-12, in which display 3, speaker 5 and headphone 7 generate a human perceptual signal.

The subject invention, as claimed in claim 1, further includes "a transmitter able to transmit a human non-perceptual Signal". This is shown in Fig. 2, and described in the specification on page 6, lines 12-13.

In addition, the subject invention, as claimed in claim 1, includes "a control unit configured to control the output means to create a representation of the human perceptual signal, and to instruct the transmitter to broadcast a human non-perceptual signal comprising the representation". This is shown in 2, and described in the specification on page 6, lines 13-16, in which the control unit 23 controls the display 3, speaker 5 and headphone 7, creates a representation of the human perceptual signal, and instructs the transmitter broadcast.

Furthermore, as claimed in claim 1, the subject invention includes the limitation "the control unit is configured to instruct the output means to make a received human perceptual signal more

noticeable if it is received from a nearby further electronic device and less noticeable if it is received from a remote further electronic device". This described in the specification on page 7, lines 28-31.

As claimed in claim 4, the subject invention includes the limitation "wherein the control unit is able to instruct the transmitter to transmit a human non-perceptual signal comprising an identifier identifying the human perceptual signal". This is described in the specification on page 6, lines 22-24.

As claimed in claim 5, the subject invention further includes "a receiver able to receive a further human non-perceptual signal". This is shown in Fig. 2, and described in the specification on page 6, lines 25-26, in which the consumer electronic device further includes a receiver 25.

Further, as claimed in claim 5, the subject invention includes the limitation "the control unit is able to use the receiver to detect a free time-slot in a transmission medium, and the control unit is able to instruct the transmitter to transmit the human non-perceptual signal in the free timeslot". This is described in the specification on page 6, lines 26-29.

As claimed in claim 6, the subject invention further includes "a receiver able to receive a further human non-perceptual signal". This is shown in Fig. 2, and described in the specification on page 6, lines 25-26, in which the consumer electronic device further includes a receiver 25.

In addition, as claimed in claim 6, the subject invention includes the limitation "the control unit is able to use the receiver to receive a control signal, and the control unit is able to schedule own transmissions in accordance with the control signal". This is described in the specification on page 7, lines 1-3.

As claimed in claim 7, the subject invention further includes "a receiver able to receive a further human non-perceptual signal". This is shown in Fig. 2, and described in the specification on page 6, lines 25-26, in which the consumer electronic device further includes a receiver 25.

In addition, as claimed in claim 7, the subject invention includes the limitation "the control unit is able to use the receiver to detect a level of occupation of a transmission medium, and the control unit is able to instruct the transmitter to adapt its transmission power in dependency of the level of occupation". This is described in the specification on page 7, lines 4-6.

Furthermore, as claimed in claim 8, the subject invention includes the limitation "the control unit is able to instruct the transmitter to transmit a human non-perceptual signal comprising transmission power of the transmitter". This is described in the specification on page 7, lines 7-8.

The subject invention also relates to an electronic device which, as claimed in claim 9, includes "an output means for generating a human perceptual signal". This is shown in Fig. 1, and described in the specification on page 6, lines 11-12, in which

display 3, speaker 5 and headphone 7 generate a human perceptual signal.

The subject invention, as claimed in claim 9, further includes "a receiver able to receive a human non-perceptual signal". This is shown in Fig. 2, and described in the specification on page 6, lines 25-26, in which the electronic device further includes a receiver 25.

Further, as claimed in claim 9, the subject invention includes "a control unit configured to use the receiver to receive multiple human non-perceptual signals comprising representations of multiple further human perceptual signals and able to instruct the output means to generate the human perceptual signal from the representations". This is described in the specification on page 7, lines 9-12.

In addition, the subject invention as claimed in claim 9, includes the limitation "the control unit is further configured to instruct the output means to make a received human perceptual signal more noticeable if it is received from a nearby further electronic device and less noticeable if it is received from a remote further electronic device". This described in the specification on page 7, lines 28-31.

As claimed in claim 10, the subject invention further includes "an input means for enabling a user to select at least one of the representations and the control unit is able to instruct the output means to generate the human perceptual signal from the at least one of the representations". This is shown in Fig. 1, and described in

the specification on page 7, lines 13-16, where cursor pad 9 comprises the input means.

The subject invention, as claimed in claim 11, further includes "a communication means for establishing communication between users". This is shown in Fig. 2, and described in the specification on page 7, lines 19-20.

In addition, the subject invention includes the limitation "the control unit is able to use the communication means to establish communication between a user of the electronic device and a user of a similar electronic device having transmitted a human non-perceptual signal comprising the at least one representation". This is described in the specification on page 7, lines 20-23.

As claimed in claim 13, the subject invention includes the limitation "the control unit is able to use the receiver to receive multiple human non-perceptual signals comprising representations of acoustic signals". This is described in the specification on page 7, lines 32-33.

As claimed in claim 14, the subject invention includes the limitation "the control unit is able to use the receiver to receive multiple human non-perceptual signals comprising representations of visual signals". This is described in the specification on page 8, lines 1-2.

As claimed in claim 15, the subject invention includes the limitation "the control unit is able to use the receiver to receive a human non-perceptual signal comprising an identifier identifying a further human perceptual signal and able to instruct a display to

display the identifier". This is described in the specification on page 8, lines 3-5.

The subject invention, as claimed in claim 16, includes the limitation "the control unit is able to use a storage means to store at least one of: an identifier identifying a further human perceptual signal and at least a part of the representation of the further human perceptual signal". This is shown in Fig. 2 as storage means 27, and described in the specification on page 8, lines 6-8.

As claimed in claim 17, the subject invention includes the limitation "receiver is able to receive a human non-perceptual signal comprising a geographical position of a further electronic device transmitting a human non-perceptual signal comprising a representation of a further human perceptual signal". This is described in the specification on page 8, lines 12-14.

With regard to the electronic device of claim 9, as claimed in claim 18, the subject invention includes "the control unit is able to use the receiver to receive a human non-perceptual signal comprising an identifier identifying a further human perceptual signal". This is described in the specification on page 8, lines 3-5.

In addition, as claimed in claim 18, the subject invention includes "an input means for enabling a user to request additional information". This is shown in fig. 2 as cursor pad 9, and described in the specification on page 8, lines 22-25.

In addition, the subject invention, as claimed in claim 18, includes "a transmitter able to transmit a human non-perceptual signal". This is shown in Fig. 2 as transmitter 21, and described in the specification on page 6, lines 12-13.

The subject invention further includes the limitation "the control unit is able to instruct the transmitter to transmit a human non-perceptual signal comprising a request for information and the identifier". This is described in the specification on page 8, lines 20-21.

In addition, as claimed in claim 18, the subject invention includes the limitation "the control unit is able to use the receiver to receive a human non-perceptual signal comprising additional information". This is described in the specification on page 8, lines 21-22.

The subject invention is also related to a method of making content available, and, as claimed in claim 19, includes the step "creating a representation of a human perceptual signal generated by a first electronic device". This is shown in Fig. 3, and described in the specification on page 8, lines 27-29.

A further step in the method of claim 19 includes "broadcasting the representation for playback of the human perceptual signal by a second electronic device as more noticeable if the second electronic device is near the first consumer electronic device and less noticeable if second electronic

device is remote from the first electronic device". This is described in the specification on page 8, line 29, and page 7, lines 29-31.

The subject invention also relates to a method of accessing new content, and as claimed in claim 20, includes the step "receiving representations human perceptual signals". This is shown in Fig. 3, and described in the specification on page 8, lines 32-33.

A further step in the method of claim 20 includes "generating a human perceptual signal from the representations". This is shown in Fig. 3, and described in the specification on page 8, line 34.

In addition, the subject invention, as claimed in claim 20, includes the limitation "wherein the generated human perceptual signal is more noticeable if it is received from a nearby electronic device and less noticeable if it is received from a remote electronic device". This is described in the specification on page 7, lines 29-31.

In addition to the above, the subject invention relates to a system for sharing human perceptual signals, which includes, as claimed in claim 21, "a component able to create and broadcast a first representation of a first human perceptual signal". This is shown in Fig. 4, and described in the specification on page 9, lines 4-6 in which a component 61 creates and broadcasts the first representation.

In addition, the subject invention, as claimed in claim 21, includes "a component able to create and broadcast a second

representation of a second human perceptual signal". This is shown in Fig. 4 as component 63, and described in the specification on page 9, lines 6-7.

Furthermore, as claimed in claim 21, the subject invention includes "a component able to receive the first and the second representation and able to generate a third human perceptual signal from the first and the second representation". This is shown in Fig. 4 as component 65, and described in the specification on page 9, lines 7-9.

The subject invention, as claimed in claim 21, includes the limitation "wherein the third human perceptual signal is more noticeable if it is received from a nearby electronic device and less noticeable if it is received from a remote electronic device" This is described in the specification on page 7, lines 29-31.

Finally, as claimed in claim 22, the subject invention relates to a computer readable medium embodying a computer program. This is described in the specification on page 9, lines 28-29.

In particular, the subject invention, as claimed in claim 22, includes instructions for "receiving representations of human perceptual signals". This is shown in Fig. 3, and described in the specification on page 8, lines 32-33.

The subject invention, as claimed in claim 22, further includes instructions for "generating a human perceptual signal from the representations". This is described in the specification on page 8, line 324.

Finally, the subject invention, as claimed in claim 22, includes the limitations "wherein the generated human perceptual signal is more noticeable if it is received from a nearby electronic device and less noticeable if it is received from a remote electronic device". this is described in the specification on page 7, lines 29-31.

(vi) Grounds of Rejection to be Reviewed on Appeal

(A) Whether the invention, as claimed in claims 1-7, 9-11, 13-16 and 18-22, is unpatentable, under 35 U.S.C. 103(a), over International Patent Application No. WO 99/25107 to Frank et al. in view of U.S. Patent 4,974,251 to Ohta et al.

(B) Whether the invention, as claimed in claims 8 and 17, is unpatentable, under 35 U.S.C. 103(a), over Frank et al. in view of Ohta et al., and further in view of U.S. Patent Application Publication No. 2003/0104808 to Foschini et al. ***(It should be noted that the Examiner, in the Final Office Action mailed February 22, 2008, on page 12, paragraph 5, incorrectly identified Foschini et al. as USPAP No. 2002/0136231 which, in fact, is to Leatherbury et al. However, in PTO-892 accompanying the Office Action of July 9, 2007, Foschini et al. is correctly identified as USPAP No. 2003/0104808.)***

(vii) Arguments

(A) Whether Claims 1-7, 9-11, 13-16 and 18-22 Are Unpatentable Over Frank et al. In View Of Ohta et al.

35 U.S.C. 103(a) states:

> "A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made."

The Frank et al. reference discloses call setup in mobile systems, in which a mobile terminal in the system includes "output means able to generate a human perceptual signal", "a transmitter able to transmit a human non-perceptual signal" and "a control unit configured to control the output means to create a representation of the human perceptual signal, and to instruct the transmitter to broadcast a human non-perceptual signal comprising the representation". However, as noted by the Examiner, "Frank does not explicitly show that the control unit is configured to instruct the output means to make a received human perceptual signal more noticeable if it is received from a nearby further electronic device and less noticeable if it is received from a remote further electronic device."

The Ohta et al. patent discloses a cordless telephone system.

Independent claims 1, 9 and 19-22 include the limitation "the control unit is configured to instruct the output means to make a

received human perceptual signal more noticeable if it is received from a nearby further electronic device and less noticeable if it is received from a remote further electronic device".

The Examiner now indicates that Ohta et al. discloses this limitation and points out col. 9, lines 4-44 therein.

Applicants believe that the Examiner is mistaken. In particular, Ohta et al., at col. 9, lines 4-44, states:

> "In this way, in the communication mode of the present embodiment, when the received electric field of the speech channel becomes less than E1 dB•V and less than E2 dB•V, the connection unit 1 and radio telephone set 2 mutually transfer the speech end signal therebetween to disconnect the radio communication circuit. This enables the prevention of wasteful use of the radio communication circuit between the connection unit 1 and radio telephone set 2. When the out-of-communication-range alarm signal is transmitted from the connection unit 1 or when the received electric field of the radio telephone set 2 becomes less than E2 dB•V, this causes the radio telephone set 2 to issue the alarm tone. Thus, the user of the radio telephone set 2 can know that the radio telephone is in a bad communication state and can take a proper measure, for example, by putting the radio telephone closer to the connection unit 1.
>
> "Further, in another embodiment of present invention, two levels E3 and E4 (E4<E3) may be set in the connection unit 1 so that the connection unit issues the out-of-communication-range alarm signal when the received electric field becomes less than E3 dB•V, whereas the unit transmits the speech end signal when it becomes less than E4 dB•V. In this case, an alarm sound is generated in the radio telephone set 2 when the received electric field of the connection unit 1 becomes less than E3 dB•V, and the radio communication circuit is forcibly cut off when the received field becomes less than E4 dB•V. FIG. 4 shows a flowchart of the present embodiment which corresponds to the flowchart of FIG. 3(a), in which the step 522 in the flowchart of FIG. 3(a) is removed and the step 533 is modified to be one 533 in which it is judged whether or not the received electric field is not smaller than E4 dB•V. That is, when it is determined that the received field becomes less than E4 dB•V in the step 533, the

> connection unit generates a speech end signal (step 527), while, if the field is not smaller than E4 dB•V then the unit judges whether or not to have received a dial signal (step 528)."

In this section, Ohta et al. indicates that when the electric field of a received signal becomes less than a first threshold level, the radio telephone set 2 generates an alarm sound, and when the electric field of a received signal becomes less than a second threshold lower than the first threshold, the communication is terminated.

The only change indicated in Ohta et al. in the received human perceptual signal based on distance is in one case, the received human perceptual signal is noticeable (within range), while in the other case, the "received" human perceptual signal is not noticeable (out of range), i.e., it is not received. Applicants submit that this is substantially different than what is claimed in, for example, claims 1, 9 and 19-22, "wherein the control unit is configured to instruct the output means to make a received human perceptual signal more noticeable if it is received from a nearby further electronic device and less noticeable if it is received from a remote further electronic device". In the both cases noted in the claim limitation, the received human perceptual signal is noticeable, however in one case it is more noticeable than in the other. This is described in the specification on page 4, lines 7-16, where the volume at which the received human perceptual signal is reproduced is increased as the electronic device is brought closer to the further electronic device. Alternatively, the size of a window displaying the received human perceptual signal may

increase as the electronic device is brought closer to the further. However, a prerequisite is that in any case, the received human perceptual signal must be noticeable.

In response thereto, the Examiner, while referring to the above-noted section of Ohta et al., states:

> "(i.e., fig. 1, when the out-of-communication-range alarm signal is transmitted from the connection unit 1 or when the received electric field of the radio telephone set 2 becomes less than E2 dB.mu.V, this causes the radio telephone set 2 to issue the alarm tone. Thus, the user of the radio telephone set 2 can know that the radio telephone is in a bad communication state and can take a proper measure, for example, by putting the radio telephone closer to the connection unit 1)."

Appellants submit that the Examiner is misinterpreting the subject invention. The claim limitation states "the control unit is configured to instruct the output means to make a received human perceptual signal more noticeable if it is received from a nearby further electronic device and less noticeable if it is received from a remote further electronic device".

Using the above passage from Ohta et al., if one were to assume that the received electric field results in the human perceptual signal, then when the field strength drops below a predetermined threshold (E4), the radio communication is cutoff thereby ending the received electric field and the resulting human perceptual signal. In other words, when at a near distance, the human perceptual signal is noticeable, while when at a far distance, the human perceptual signal is not noticeable. On the other hand, if one were to assume that the rendered alarm signal is the human perceptual signal, then when at a near distance, the

human perceptual signal is not noticeable (alarm is not rendered), while when at a far distance, the human perceptual signal is noticeable (alarm is rendered). In either case, there is an "on" and "off" relationship, while the subject invention concerns a "more noticeable" and "less noticeable" relationship. Appellants submit that this difference is indeed significant, in that in all of the situations envisioned by the claim, the human perceptual signal is noticeable, i.e., a user is able to perceive the human perceptual signal. However, in Ohta et al., the user is only able to perceive the human perceptual signal in one state, i.e., within range for the human perceptual signal resulting from the received electric field, or outside of range for the alarm signal. Otherwise, the human perceptual signal is not capable of being perceived by the user.

(B) Whether Claims 8 and 17 Are Unpatentable over Frank et al. In View Of Ohta et al. And Further in View Of Foschini et al.

The above arguments with regard to Frank et al. and Ohta et al. are incorporated herein.

The Foschini et al. reference discloses a wireless communication system with interference compensation.

(1) Claim 8

Claim 8 includes the limitation "wherein the control unit is able to instruct the transmitter to transmit a human non-perceptual signal comprising transmission power of the transmitter".

The Examiner, while acknowledging that Frank et al. and Ohta et al. fail to teach this limitation, indicates that Foschini et al. teaches this limitation on page 3, paragraph [0034].

Appellants submit that the Examiner is mistaken. In particular, the noted section of Foschini et al. states:

> "[0034] Additionally, when, as shown in FIG. 2b, base station 215_5-M communicates with mobile terminals 220_{51}-M, 220_{52}-M, and 220_{53}-M using multiple antennas, then it is particularly difficult, or even impossible, to detect the signals meant for other mobile terminals. Cell 210_5-M of FIG. 2b is similar to cell 110_5-M of FIG. 2a, except the base station and/or some of the mobile terminals of cell 210_5-M have multiple transmit and/or receive antennas. Cell 210_5-M can be used in wireless communication system 100 instead of cell 110_5-M. Cell 210_5-M includes base station 215_5-M, which has two transmit/receive antennas 270_{51} and 270_{52}; mobile terminals 220_{51}-M and 220_{53}-M, which have two transmit/receive antennas 275_{51} and 275_{52}, and 275_{54} and 270_{55}, respectively; and mobile terminal 220_{52},

which has one transmit/receive antenna 275_{53}. Each of the base station antennas 270_{51} and 270_{52} transmits a downlink signal to each of the mobile terminals. Thus, antennas 270_{51} and 270_{52} transmit signals 230_{51} and 230_{52} to mobile terminal 220_{51}-M, signals 230_{53} and 230_{54} to mobile terminal 220_{52}-M, and signals 230_{55} and 230_{56} to mobile terminal 220_{53}-M. Each of the signals transmitted to a particular mobile terminal is received by each of its antennas. Additionally, some, or even all of the signals transmitted to the other mobile terminals are received by each of the particular mobile terminal's antennas. For example, signals 230_{55} and 230_{56}, transmitted to mobile terminal 220_{53}-M, are transmitted at a power level and rate that will allow this mobile terminal to detect the signals considering the channel characteristics between the transmit and receive antennas (270_{51} and 270_{52}, and 275_{55} and 275_{56}, respectively) and the number of antennas at the transmitter (in this case base station 215_{5}-M) and the receiver (in this case mobile terminal 220_{53}-M). However, the signals transmitted to the other mobile terminals are transmitted at a power level and data rate that will allow those other mobile terminals to detect them, but not necessarily for mobile terminal 220_{53}-M to detect them. Due to the fact that the channel characteristics and interference are used to determine power levels/data rates for one set of antennas to be able to receive a signal, and the fact that the channel characteristics and interference are different for different sets of antenna, it is often unlikely that a signal that is sent at a power level/data rate that will allow it to be received by one set of antennas at one mobile terminal will also allow it to be received at an acceptable power level/data rate to decode at a different set of antennas that are at a different mobile terminal. Thus, it is highly unlikely that mobile terminal 220_{53}-M will be able to detect signals 230_{51}, 230_{52}, or 230_{53} that are transmitted to other mobile terminals. Thus, mobile terminal 220_{53}-M will not be able to subtract out these signals, and so multi-user detection cannot be effectively used on the downlink to mobile terminal 220_{53}-M. Similarly, multi-user detection cannot be used on the downlink to mobile terminals 220_{51}-M and 220_{52}-M."

Appellants submit that a careful reading of the above section will show that Foschini et al. is concerned with varying the transmitter power. However, there is no disclosure or suggestion of the transmission power of the transmitter comprising the transmitted human non-perceptual signal.

(2) Claim 17

Claim 17 includes the limitation "wherein receiver is able to receive a human non-perceptual signal comprising a geographical position of a further electronic device transmitting a human non-perceptual signal comprising a representation of a further human perceptual signal"

The Examiner has indicated that Foschini et al. teaches this limitation on page 2, paragraph [0019].

Appellants again submit that the Examiner is mistaken. In particular, the noted section of Foschini et al. states:

> "FIG. 1 illustrates a portion of a wireless communication system 100. The geographic area serviced by system 100 is divided into a plurality of spatially distinct areas called "cells." Although cells 110_1, . . . 100_{15} are illustrated as a hexagon in a honeycomb pattern, each cell is actually of an irregular shape that depends on obstacles and topography in the geographical area. Each cell 110_1, . . . 100_{15} contains a base station 115_1 . . . 115_{15}, respectively. Each base station 115_1 . . . 115_{15} includes equipment to communicate with Mobile Switching Center ("MSC") (not shown), which is connected to local and/or long-distance transmission network, such as a public switch telephone network (PSTN). Each base station 115_1 . . . 115_{15} also includes radios and antennas that the base station uses to communicate with mobile terminals."

A careful reading of the above section will show that Foschini et al. mentions the term "geographical" in describing the topography of an area. However, there is no disclosure or suggestion of receiving a human non-perceptual signal "comprising a geographical position of a further electronic device...."

Further, Appellants submit that Foschini et al. does not supply that which is missing from Frank et al. and Ohta et al., i.e., "the control unit is configured to instruct the output means to make a received human perceptual signal more noticeable if it is received from a nearby further electronic device and less noticeable if it is received from a remote further electronic device".

Based on the above arguments, Appellants believe that the subject invention is not rendered obvious by the prior art and is patentable thereover. Therefore, Appellants respectfully request that this Board reverse the decisions of the Examiner and allow this application to pass on to issue.

Respectfully submitted,

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(viii) Claims Appendix

1. (Previously Presented) A consumer electronic device comprising:

an output means able to generate a human perceptual signal;

a transmitter able to transmit a human non-perceptual signal; and

a control unit configured to control the output means to create a representation of the human perceptual signal, and to instruct the transmitter to broadcast a human non-perceptual signal comprising the representation;

wherein the control unit is configured to instruct the output means to make a received human perceptual signal more noticeable if it is received from a nearby further electronic device and less noticeable if it is received from a remote further electronic device.

2. (Previously Presented) The consumer electronic device as claimed in claim 1, wherein the output means comprises at least one of a speaker and a headphone.

3. (Previously Presented) The consumer electronic device as claimed in claim 1, wherein the output means comprises a display.

4. (Previously Presented) The consumer electronic device as claimed in claim 1, wherein the control unit is able to instruct the transmitter to transmit a human non-perceptual signal comprising an identifier identifying the human perceptual signal.

5. (Previously Presented) The consumer electronic device as claimed in claim 1, further comprising a receiver able to receive a further human non-perceptual signal, the control unit is able to use the receiver to detect a free time-slot in a transmission medium, and the control unit is able to instruct the transmitter to transmit the human non-perceptual signal in the free timeslot.

6. (Previously Presented) The consumer electronic device as claimed in claim 1, further comprising a receiver able to receive a further human non-perceptual signal, the control unit is able to use the receiver to receive a control signal, and the control unit is able to schedule own transmissions in accordance with the control signal.

7. (Previously Presented) The consumer electronic device as claimed in claim 1, further comprising is a receiver able to receive a further human non-perceptual signal, the control unit is able to use the receiver to detect a level of occupation of a transmission medium, and the control unit is able to instruct the transmitter to adapt its transmission power in dependency of the level of occupation.

8. (Previously Presented) The consumer electronic device as claimed in claim 1, wherein the control unit is able to instruct the transmitter to transmit a human non-perceptual signal comprising transmission power of the transmitter.

9. (Previously Presented) An electronic device comprising:

an output means for generating a human perceptual signal;

a receiver able to receive a human non-perceptual signal; and

a control unit configured to use the receiver to receive multiple human non-perceptual signals comprising representations of multiple further human perceptual signals and able to instruct the output means to generate the human perceptual signal from the representations;

wherein the control unit is further configured to instruct the output means to make a received human perceptual signal more noticeable if it is received from a nearby further electronic device and less noticeable if it is received from a remote further electronic device.

10. (Previously Presented) The electronic device as claimed in claim 9, further comprising an input means for enabling a user to select at least one of the representations and the control unit is able to instruct the output means to generate the human perceptual signal from the at least one of the representations.

11. (Previously Presented) The electronic device as claimed in claim 10, further comprising a communication means for establishing communication between users and the control unit is able to use the communication means to establish communication between a user of the electronic device and a user of a similar electronic device having transmitted a human non-perceptual signal comprising the at least one representation.

12. (Canceled).

13. (Previously Presented) The electronic device as claimed in claim 9, wherein the control unit is able to use the receiver to receive multiple human non-perceptual signals comprising representations of acoustic signals.

14. (Previously Presented) The electronic device as claimed in claim 9, wherein the control unit is able to use the receiver to receive multiple human non-perceptual signals comprising representations of visual signals.

15. (Previously Presented) The electronic device as claimed in claim 9, wherein the control unit is able to use the receiver to receive a human non-perceptual signal comprising an identifier identifying a further human perceptual signal and able to instruct a display to display the identifier.

16. (Previously Presented) The electronic device as claimed in claim 9, wherein the control unit is able to use a storage means to store at least one of: an identifier identifying a further human perceptual signal and at least a part of the representation of the further human perceptual signal.

17. (Previously Presented) The electronic device as claimed in claim 9, wherein receiver is able to receive a human non-perceptual signal comprising a geographical position of a further electronic device transmitting a human non-perceptual signal comprising a representation of a further human perceptual signal.

18. (Previously Presented) The electronic device as claimed in claim 9, wherein:

the control unit is able to use the receiver to receive a human non-perceptual signal comprising an identifier identifying a further human perceptual signal;

further comprised is an input means for enabling a user to request additional information;

further comprised is a transmitter able to transmit a human non-perceptual signal;

the control unit is able to instruct the transmitter to transmit a human non-perceptual signal comprising a request for information and the identifier; and

the control unit is able to use the receiver to receive a human non-perceptual signal comprising additional information.

19. (Previously Presented) A method of making content available, comprising the acts of:

creating a representation of a human perceptual signal generated by a first electronic device; and

broadcasting the representation for playback of the human perceptual signal by a second electronic device as more noticeable if the second electronic device is near the first consumer electronic device and less noticeable if second electronic device is remote from the first electronic device.

20. (Previously Presented) A method of accessing new content, comprising the acts of:

receiving representations human perceptual signals; and

generating a human perceptual signal from the representations, wherein the generated human perceptual signal is more noticeable if it is received from a nearby electronic device and less noticeable if it is received from a remote electronic device.

21. (Previously Presented) A system for sharing human perceptual signals comprising:

a component able to create and broadcast a first representation of a first human perceptual signal;

a component able to create and broadcast a second representation of a second human perceptual signal; and

a component able to receive the first and the second representation and able to generate a third human perceptual signal from the first and the second representation;

wherein the third human perceptual signal is more noticeable if it is received from a nearby electronic device and less noticeable if it is received from a remote electronic device.

22. (Previously Presented) A computer readable medium embodying a computer program comprising instructions for:

receiving representations of human perceptual signals; and

generating a human perceptual signal from the representations;

wherein the generated human perceptual signal is more noticeable if it is received from a nearby electronic device and less noticeable if it is received from a remote electronic device.

(ix) Evidence Appendix

There is no evidence which had been submitted under 37 C.F.R. 1.130, 1.131 or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this Appeal.

(x) Related Proceedings Appendix

Since there were no proceedings identified in section (ii) herein, there are no decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. 41.37.